

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare:

That my residence, post office address and citizenship are as stated below next to my name.

That I verify believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: PHOTONIC WAVELENGTH SYSTEM WITH SUB-LINE RATE BANDWIDTH GRANULARITY PROTOCOL TRANSPARENCY AND DETERMINISTIC MESH CONNECTIVITY.

the specification of which (check one)

(X) is attached hereto.

( ) was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_

and was amended on \_\_\_\_\_

(if applicable)

That I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

That I acknowledge the duty to disclose information known to be material to patentability of this application in accordance with Title 37, Code of Federal Regulations, 51.56(a).

That I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

2,339,902  
(Number) Canada

07/03/2001  
(Day/Month/Year Filed)

Priority Claimed

Yes  No

\_\_\_\_\_  
(Number) \_\_\_\_\_  
(Country) \_\_\_\_\_  
(Day/Month/Year Filed)

Yes  No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application Number) \_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Number) \_\_\_\_\_  
(Filing Date)

That I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

United States Application(s)

\_\_\_\_\_  
(Application Serial No.) \_\_\_\_\_  
(Filing Date) \_\_\_\_\_  
(Status)-(Patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.) \_\_\_\_\_  
(Filing Date) \_\_\_\_\_  
(Status)-(Patented, pending, abandoned)

That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint the following attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to Thomas R. Vigil, WELSH & KATZ, LTD., 120 South Riverside Plaza, 22<sup>nd</sup> Floor, Chicago, Illinois 60606, Telephone No. (312) 655-1500:

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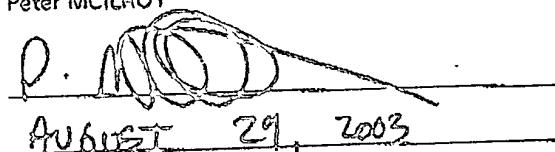
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Mar. 15 2003 08:26PM P3

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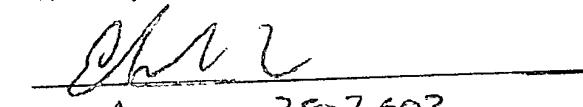
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